

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ERIN EDNEY,

Plaintiff,

v.

CHRYSLER GROUP, LLC, a Delaware
Limited Liability Company.

Defendant.

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CIVIL ACTION NO.

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff files the following Original Complaint and would show the Court as follows:

PARTIES

1. Plaintiff Erin Edney is a resident of Gladewater, Texas, within the Eastern District of Texas.

2. Chrysler Group, LLC is a Delaware corporation and can be served via its Texas Registered Agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas, 75201.

JURISDICTION AND VENUE

3. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) because the controversy is between citizens of different states and the amount in controversy is greater than the minimum jurisdictional limits of this Court.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a)(2) because Defendant is subject to personal jurisdiction in this district and is therefore a "resident" of this district. Defendant manufactures or markets goods that are targeted for sale and distribution within the State

of Texas and this District and purposefully avails itself of the benefit of doing business in the State of Texas. Moreover, Plaintiff resides in this District and the subject accident occurred within this district.

FACTUAL BACKGROUND

5. Erin Edney owns a 2011 Dodge Durango, VIN# 1D4RD5GG9BC637968. The Dodge Durango was not equipped with a fuel tank skid plate or other method to protect the fuel tank from undercarriage strikes. Defendant, and/or its predecessor-in-interest, offered an optional fuel tank skid plate but did not provide any information to explain the safety importance of this option and refused to make this important safety device standard equipment.

6. On March 26, 2013, Plaintiff was driving her Dodge Durango on Texas State Highway 155 in Big Sandy located in Upshur County, Texas. After turning left onto 155 North from Highway 80, Ms. Edney's vehicle ran over a piece of metal road debris.

7. The Durango's fuel tank struck the road debris and the debris penetrated the fuel tank on Ms. Edney's vehicle. The spilling fuel ignited and engulfed Ms. Edney's vehicle in flames. Ms. Edney attempted to escape her vehicle through the front passenger door and her clothing caught fire. Ms. Edney suffered severe burn injuries as a result.

8. Chrysler Group, LLC and its predecessors-in-interest manufactured, designed, and sold the subject vehicle.

9. Chrysler Group, LLC and its predecessors-in-interest decided to equip the subject tank with a plastic fuel tank that was not protected by a skid plate. Defendant chose to offer a skid plate as optional equipment on the subject vehicle.

10. Undercarriage strikes from road debris and other sources are a known and foreseeable risk for vehicle designers, including Defendant, and pose of risk of property damage and personal injury.

11. The subject incident resulted from an undercarriage strike to the exposed plastic fuel tank on the subject vehicle.

CAUSE OF ACTION - DESIGN DEFECT

12. Plaintiff adopts each paragraph set forth above as if fully set forth herein.

13. The subject fuel system design was unreasonably dangerous and defectively designed because it provided inadequate protection for the fuel tank to protect it from undercarriage strikes.

14. The utility associated with the subject fuel system, as installed in the subject vehicle, was outweighed by the risks of fuel tank punctures, ruptures, and resulting personal injury or property damage. There were economically and technologically feasible safer alternative designs at the time the subject fuel system and vehicle left Defendant's control which were available by application of existing or reasonably achievable scientific knowledge. These alternative designs would have prevented or significantly reduced the risk of the Plaintiff's personal injuries without substantially impairing these products' utility.

15. The design defect(s) in the subject fuel system and vehicle were a producing cause of the damages alleged herein.

CAUSE OF ACTION - NEGLIGENCE

16. Plaintiff adopts each paragraph set forth above as if fully set forth herein.

17. Defendant, and/or its predecessor-in-interest, was negligent and failed to act as a reasonable, prudent vehicle manufacturer when it committed the following acts and/or omissions:

- (a) manufactured the subject fuel system, and vehicle without adequate protection for the fuel tank;
- (b) failed to implement safer alternative designs which would have prevented the subject hazard and failed to warn of the risks created by the lack of a skid plate or other protection for the fuel tank;
- (c) negligently failed to perform adequate failure mode and effects analysis and similar engineering activities to prevent ruptured fuel tanks and associated fire; and,
- (h) negligently designed the subject vehicle's fuel storage system.

18. Defendants' negligent acts and/or omissions were a proximate cause of the damages alleged herein.

DAMAGES

19. Plaintiff adopts each paragraph set forth above as if fully set forth herein.

20. Plaintiff experienced pain, suffering, mental anguish, disfigurement, pecuniary loss, lost earnings, and incurred medical expenses in the past and will likely suffer such damages in the future associated with her injuries proximately caused by the negligence alleged herein. The design defect alleged herein was a producing cause of these damages as well.

INTEREST AND COURT COSTS

21. Plaintiff prays for the maximum allowable pre-judgment and post-judgment interest on any damages they may be awarded and pray to recover all court costs associated with this action.

PRAYER

22. Plaintiff prays that a jury be empaneled to decide the fact issues presented by their claims and that they receive a final judgment for all the damages alleged herein.

Respectfully submitted,

/s/ Jeffrey T. Embry

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